

THE HONORABLE JOHN C. COUGHENOUR

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

TWIN CITY FIRE INSURANCE COMPANY,

Plaintiff,

v.

LUNDBERG, LLC and PACKAGING
CORPORATION OF AMERICA,

Defendants.

No. 2:20-cv-01623-JCC

STIPULATED MOTION AND
[PROPOSED] ORDER FOR
EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING

NOTE ON MOTION CALENDAR:
December 3, 2020

STIPULATED MOTION AND [PROPOSED] ORDER
No. 2:20-cv-01623-JCC

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1 Plaintiff Twin City Fire Insurance Company (“Plaintiff”) and Defendant Packaging
2 Corporation of America (“PCA”), by and through their undersigned counsel, hereby stipulate as
3 follows:

4 WHEREAS, Plaintiff commenced this action by filing a Complaint on November 4, 2020,
5 asserting claims for declaratory relief regarding the duty to defend and duty to indemnify
6 Defendant Lundberg, LLC.

7 WHEREAS, PCA was served with the Complaint on November 12, 2020, and the deadline
8 for PCA to respond to the Complaint under Federal Rule of Civil Procedure 12(a)(1) is
9 December 3, 2020.

10 WHEREAS, Federal Rule of Civil Procedure 6(b)(1) authorizes this Court to grant an
11 extension of time to respond to a complaint for good cause shown. As the Ninth Circuit has
12 recognized, “[g]ood cause’ is a non-rigorous standard that has been construed broadly across
13 procedural and statutory contexts,” and extensions of time “should normally be granted in the
14 absence of bad faith or prejudice to the adverse party.” *Ahanchian v. Xenon Pictures, Inc.*, 624
15 F.3d 1253, 1259 (9th Cir. 2010).

16 WHEREAS, good cause exists for an extension of time for PCA to respond to the
17 Complaint because Plaintiff and PCA believe in good faith that over the course of fourteen (14)
18 days they may be able to reach an agreement regarding the potential dismissal of PCA from this
19 action and therefore avoid the unnecessary time and expense associated with the Court
20 adjudicating a dispositive motion.

21 WHEREAS, counsel for Plaintiff and PCA will work diligently together in an attempt to
22 resolve this matter.

23 WHEREFORE, for good cause shown, the parties respectfully request that the Court
24 approve this stipulation and allow PCA an extension of fourteen (14) days from the entry of the
25 Court’s Order to file its responsive pleading to the Complaint.

26 Respectfully submitted this 3rd day of December, 2020.

Presented by:

/s/ Brian C. Hickman

Brian C. Hickman, WSBA #50089

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/s/ J. Andrew Howard

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*Attorneys for Defendant Packaging Corporation of
America*

[PROPOSED] ORDER

The foregoing stipulation for extension of time for PCA to file its responsive pleading to the Complaint is **GRANTED**.

IT IS SO ORDERED.

Dated this _____ day of December, 2020.

The Honorable John C. Coughenour
United States District Court Judge

CERTIFICATE OF SERVICE

I certify that on December 3, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically provide notice to all attorneys of record by electronic means.

I declare under penalty of perjury under the laws of the United States this 3rd day of December, 2020, at Los Angeles, California.

/s/ J. Andrew Howard

J. Andrew Howard, WSBA #48900

Attorneys for Defendant Packaging Corporation of America